

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FENDI ADELE S.R.L., FENDI S.R.L., and  
FENDI NORTH AMERICA, INC.

Plaintiffs,

- against -

**BURLINGTON COAT FACTORY WAREHOUSE  
CORPORATION and COHOES FASHIONS, INC.,**

Defendants.

06 Civ. 0085 (LBS) (MHD)  
ECF CASE

**BURLINGTON COAT FACTORY WAREHOUSE  
CORPORATION AND COHOES FASHIONS, INC.**

## DECLARATION OF J. JOSEPH BANTON

Defendants/Third-Party Plaintiffs,

- against -

546332 BC LTD., D/B/A COLTON INTERNATIONAL,  
SUMMIT RESOURCE IMPORTS LLC,  
EURO MODA, INC., MODA OGGI, INC., and  
ASHLEY REED TRADING, INC.,

### Third-Party Defendants.

J. JOSEPH BANTON, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am a member of the bar of this Court and the law firm of Bainton McCarthy LLC, attorneys for Defendants and Third-Party Plaintiffs Burlington Coat Factory Warehouse Corporation and Cohoes Fashions, Inc. (collectively “BCF”).

2. I submit this declaration in opposition to the motion of Plaintiffs Fendi Adele S.R.L., Fendi S.R.L., and Fendi North America, Inc. (collectively “Fendi”) for additional contempt remedies.

3. Attached hereto as Exhibit A are the relevant transcript pages from Alberto Fabbri's deposition, taken on May 16, 2007, May 17, 2007, and May 18, 2007.

4. Attached hereto as Exhibit B is a copy of two invoices from Yves Saint Laurent to Quality King, Inc., dated June 14, 2006 and September 29, 2006, respectively.

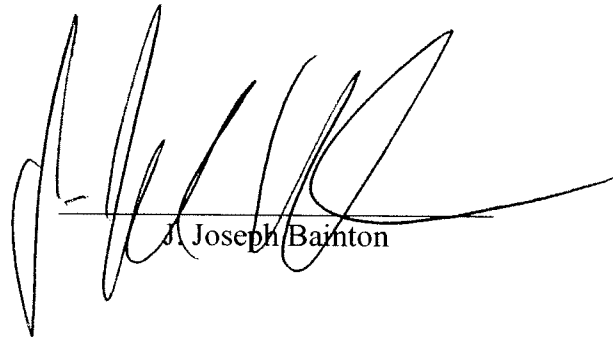
5. Attached hereto as Exhibit C is a copy of an amended agreement between BCF and Scents of Worth, Inc., dated June 21, 2000 (the "Scents of Worth Agreement").

6. Attached hereto as Exhibit D is a copy of the first amendment to the Scents of Worth Agreement, dated June 25, 2005.

7. Attached hereto as Exhibit E is a copy of certain tables concerning BCF's sales and profits for Fendi merchandise during various periods, which were prepared by Marks Paneth and Shron LLP.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 14, 2008.



J. Joseph Bainton